

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Fod 1 P 93496 Hv	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/NO 93/00136	International filing date (day/month/year) 10/09/1993	Priority date (day/month/year) 14/09/1992	
International Patent Classification (IPC) or national classification and IPC G01N33/53			
Applicant FODSTAD, Oystein et al			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of 22 sheets.

3. This report contains indications and corresponding pages relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 14/04/1994	Date of completion of this report 06.12.94
Name and mailing address of the IPEA/ European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer  F. Halle Telephone No.

I. Basis of the report

1. This report has been drawn up on the basis of:

the international application as originally filed.

the description, pages 14-18, 22-27 _____, as originally filed,
pages _____, filed with the demand,
pages 1-13, 19-21 _____, filed with the letter of 26.08.94,
pages _____, filed with the letter of _____,

the claims, No. _____, as originally filed,
No. _____, as amended under Article 19,
No. _____, filed with the demand,
No. 1-16 _____, filed with the letter of 26.08.94,
No. _____, filed with the letter of _____,

the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of: pages: _____
sheets of drawings/figures No.: _____.

3. This report has been established as if (some of) the amendments had not been made, since they have been
considered to go beyond the disclosure as filed:

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims 1-16 _____	YES
	Claims _____	NO
Inventive Step (IS)	Claims 1-16 _____	YES
	Claims _____	NO
Industrial Applicability (IA)	Claims 1-16 _____	YES
	Claims _____	NO

2. CITATIONS AND EXPLANATIONS

Having regard to the prior art documents cited in the International Search Report, the subject-matter claimed appears to meet the requirements of Article 33(2)(3)(4) PCT.

Indeed, the invention relates to a method for detecting target cells in mixed cell populations. Such a method as claimed is not anticipated by the prior art.

It is to be noted that the prior art document "WO-A-92 04961" (cited in the Search Report and referred to in the description) also refers to methods for magnetic separations. However, the methods disclosed in that document do not appear to be appropriate for examination of solid tissues contrary to present invention. Moreover, the magnetic system used in that prior art method substantially differs from that of present invention. Therefore it seems unlikely that the present invention could be derived from the prior art without inventive skill.